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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
John Anthony Karageorge

CIP Serial No. 10/645,551

Group Art Unit: 2841

CIP Filed: August 22, 2003

Examiner: Vit W. Miska

For CIP Application Title: PERPETUAL SOLAR AND SEASONAL CALENDAR SYSTEM

REBUTTAL TO OFFICE ACTION #1

Assistant Commissioner for Patents  
Washington, D.C. 20231

November 12, 2004

Sir:

In response to the non-final Office Action mailed August 12, 2004, please consider the argument as set forth below:

Regarding the claims:

**Rejection** of claims #3, 4, 9 and 10. (Lips patent #5,719,826 class 368 / 29)

The claim, "The first day of any month may be designated as the first day of the fiscal year" is in no way similar to the Perpetual Solar and Seasonal Calendar System's (hereinafter referred to as the PSSCS) claim of having April 1 being designated the first day of the calendar year. April 1 of the PSSCS occurs eleven days before April 1 of the "Lips" invention. April 1 of the PSSCS is the first day of the calendar year; April 1 of the Lips invention is geared for the fiscal year. The Lips invention makes a broad statement when claiming: "the first day of any month may be designated as the first day of the fiscal year," and it is not anticipating nor declaring that the new calendar year should start at any time other than January 1.

## Rejection of claims #1, 2 and 11.

The Lips patent does not acknowledge, much less bring to a conclusion, the solution to the "25th-leap-year" (or 25th-leap-day) dilemma; it has been an incurable problem to all calendaring systems since the beginning of time. The Lips proposed solution for calculating leap days is to add more "division units" to his flowchart in order to "generate a higher degree of accuracy." (See Lips patent column 9, paragraph 5.) In effect, he is saying *do more of what he is already doing* if you want **more precision**. This is an incorrect solution to the problem and will never align his calendar system with the solar year. He then goes on to prove this point when he advises ". . . reduced accuracy may be produced by excluding the Mod (3200) unit 325." In other words, he is saying doing less of what he is already doing will produce a less accurate leap year scenario. I don't even want to venture a remark at that logic; however, what this demonstrates is that he is thinking in a one-dimensional array (doing more or less of the **same thing** will produce favorable results). I draw your attention to my PSC algorithm (Karageorge patent application page #8) which clearly shows that after 26 iterations of executing the 3200- year cycle you must do **something different**: on the 27th iteration of the 3200-year cycle, the opposite of what was being done during the first 26 cycles must be done (you add the 25th leap day).

This clearly shows that Mr. Lips does not understand how to bring his calendar system into alignment with the solar year. My algorithm clearly shows that if we take Mr. Lips advice and do "more of the same," we would never align with the solar year. My algorithm clearly shows when a change to the 3200-year rhythmic redundancy must occur and exactly what action to take. In the 27th iteration of the 3200-year cycle, my invention does the opposite of what the Lips patent suggests we do. This clearly constitutes "new matter."

In reference to repeating the 3200-year algorithm until it reaches 86,400 years at which time it will repeat itself would not be obvious to someone with ordinary skill in the art because a change must occur at the 86,400-year interval. If it was obvious to repeat the 3200-year

cycle until it revealed 86,400 years, they or someone would have done it. And upon doing that they would have realized that a change would be necessary at that point making the 3200-year algorithm incomplete.

#### **Rejection of claims #5 - 8.**

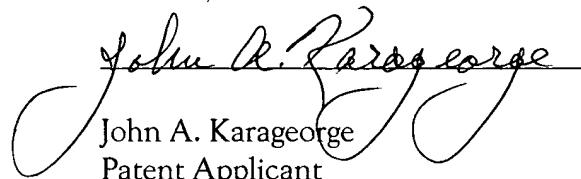
In regards to the Indian calendar, it appears that they have come to the same conclusion I have concerning the alignment of the months with the seasons thereby creating a seasonal calendar. The difference between the two systems is the Indian calendar calculates leap years in accordance with the Gregorian calendar, whereas my calendar is a perpetual solar calendar.

In conclusion, the 4th paragraph of column 9 in the Lips patent clearly shows that he does not have a solution to the 25th-leap-day dilemma. My PSC algorithm, on the other hand, speaks for itself. The PSSCS not only reveals the problem of the "25th-leap-year," it solves it to a final conclusion. If Mr. Lips would have understood the solution to the 25th-leap-day dilemma, he would have incorporated it into his invention. Just because my algorithm *simplifies* the problem, it doesn't give others the right to say anyone could have done that. Most people don't even realize that the object of leap year is to align our calendar system with the solar year (365 days 5 hours 48 minutes and 46 [45.9747] seconds); that's why they keep talking about the tropical year.

In consideration of this rebuttal and the fact that the Lips patent was designed for the purpose of calculating dates and other specific functions within a computer program and not designed to be used as a general purpose calendaring system as is the case with my invention, and considering the Lips patent is limited to the calendaring of dates for a fixed 10,000 year period (1/1/0001- 12/31/9999), whereas my invention is a true **perpetual** solar and seasonal calendar, I believe there are enough differences to warrant a patent for my invention. If the PTO finds in favor of my argument and considering my lack of experience in writing claims, would you please advise me with any input that may enhance my claims.

- Should I have incorporated the 3.5 million year cycle into my claims ? (see Karageorge patent application page #9).

Respectfully submitted,



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